

Heinz Binder (SBN 87908)  
Robert G. Harris (SBN 124678)  
BINDER & MALTER, LLP  
2775 Park Avenue  
Santa Clara, CA 95050  
Tel: (408) 295-1700  
Fax: (408) 295-1531  
Email: [Heinz@bindermalter.com](mailto:Heinz@bindermalter.com)  
Email: [Rob@bindermalter.com](mailto:Rob@bindermalter.com)

Attorneys for TURN, The Utility Reform Network

**UNITED STATES BANKRUPTCY COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

In re  
PG&E CORPORATION  
  
and  
  
PACIFIC GAS AND ELECTRIC  
COMPANY,  
  
Debtors.

Case Nos. 19-30088 DM (Lead Case)  
19-30089 DM

Chapter 11  
*Jointly Administered*

☐ Affects PG&E Corporation  
☐ Affects Pacific Gas and Electric Company  
☒ Affects both Debtors  
\* All papers shall be filed in the Lead Case  
No. 19-30088 DM.

Date: May 8, 2019  
Time: 9:30 a.m.  
Place: Courtroom 17  
450 Golden Gate Avenue  
San Francisco, California

DKT # 1324

OBJECTION DEADLINE: April 24, 2019

**DECLARATION OF MARK TONEY IN SUPPORT OF MOTION BY TURN FOR  
APPOINTMENT OF OFFICIAL COMMITTEE OF RATEPAYER CLAIMANTS  
PURSUANT TO 11 U.S.C. §§ 1102(a)(2), 105(a)**

-

1 I, Mark Toney, know the following matters to be true of my own, personal knowledge and, if  
2 called as a witness, could and would testify competently thereto:

3 1. I am the Executive Director for The Utility Reform Network (“TURN”) and am  
4 familiar with the facts below through employment with TURN in that role.

5 2. TURN is a non-profit consumer advocacy organization, organized under section  
6 501(c)(3) of the Internal Revenue Code. TURN has advocated for the interests of ratepayers before  
7 the California Public Utility Commission (the “CPUC”), the California State Legislature, and other  
8 public entities that govern the State’s public utilities since 1973. TURN has over 20,000 members,  
9 and its constituents include the 6.1 million individual consumer and small business ratepayers within  
10 PG&E’s service area. Other ratepayers with substantial economic interests in the outcome of this  
11 case include large agricultural energy users, large industrial energy users, and government sector  
12 energy users. TURN would respectfully encourage the U.S. Trustee, were this Motion to be granted,  
13 to solicit as potential committee members to represent a broad diversity of ratepayer interests  
14 persons such as myself; Elizabeth Echols, Director, Public Advocates Office at the CPUC; Karen  
15 Norene Mills, Senior Attorney, Energy Policy of California Farm Bureau Federation; Rita Liotta,  
16 Counsel, Federal Executive Agencies; Nora Sheriff, Counsel, California Large Energy Consumer  
17 Advocates; Nancy McPherson, State Director, AARP California; and Orson Aguilar, Executive  
18 Director, Greenlining Institute. If a committee of ratepayer claimants is formed, these individuals  
19 have indicated to me their willingness to serve as members.

20 3. The following is a brief description of ratepayer interests that could be represented  
21 were the aforementioned persons appointed to a committee of ratepayer claimants:

22 a. Public Advocates Office at the CPUC (Cal Advocates) is an independent  
23 organization within the CPUC mandated by statute “to represent and advocate on behalf of the  
24 interests of public utility customers” pursuant to Public Utilities Code Section 309.5(a).

25 b. California Farm Bureau Federation is the state’s largest farm organization,  
26 working to protect family farms and ranches on behalf of its nearly 36,000 members statewide and  
27 as part of a nationwide network of more than 5.5 million members. Organized 100 years ago as a  
28

1 voluntary, nongovernmental and nonpartisan organization, it advances its mission throughout the  
2 state together with its 53 county Farm Bureaus.

3 c. Federal Executive Agencies (FEA): Pursuant to Title 41 Code of Federal  
4 Regulations Section 102-82.20, the Federal Executive Agencies represents the consumer interest of  
5 all the Federal agencies that, in California, consists of numerous military installations, with  
6 electricity consumption of an estimated 1,500 GWH, and other federal facilities statewide. FEA  
7 participates in CPUC proceedings to respond to rate increase proposals filed by PG&E, SDG&E and  
8 Southern California Edison.

9 d. California Large Energy Consumer Advocates (CLECA) has been active in  
10 CPUC proceedings and before the Legislature since the early-to-mid 1980s. The member companies  
11 are in the steel, cement, industrial gas, mining, pipeline, cold storage, and beverage industries and  
12 share the fact that electricity costs comprise a significant portion of their costs of production.

13 e. AARP represents 3.3 million members living in California, many of whom  
14 rely on an average Social Security check of \$1,422 a month as their sole income. They advocate for  
15 affordable utility bills for seniors at the CPUC, the legislature, and other policy makers.

16 f. Greenlining Institute advocates that utility policies meet the needs of diverse  
17 communities and constituencies that include faith-based organizations, minority business  
18 associations, community development corporations, health advocates, traditional civil rights  
19 organizations, and ethnic media outlets.

20 4. It is my understanding that electricity ratepayers are entitled in 2019 to receive \$310  
21 million to be returned to residential customers as statement credits in April and October of 2019, in  
22 the amount of \$29.18 per household. For gas proceeds, ratepayers are entitled in 2019 to receive  
23 \$128,975,630 as statement credits in April, 2019. These sums include both proceeds from the  
24 November 14, 2018 joint auction of greenhouse gas (GHG) allowances combined with amounts  
25 projected to be generated by auctions to be held later in 2019. Attached hereto as Exhibit "A" is a  
26 true and correct copy of an excerpt of CPUC decision D.12-12-033. Attached hereto as Exhibit "B"  
27 is a true and correct copy of an excerpt of CPUC decision D.19-02-023. Attached hereto as Exhibit  
28 C" is a true and correct copy of an excerpt of advice letter 4038-G. Attached hereto as Exhibit "D"

1 is a true and correct copy of the California Cap-and-Trade Program, and Québec Cap-and-Trade  
2 System November 2018 Joint Auction #17 Summary Results Report.

3 5. TURN's motivations in seeking a committee of ratepayer claimants are as follows:  
4 (1) to ensure that the hundreds of millions of dollars in claims owed to ratepayers are paid according  
5 to the law and this Court's orders; (2) to create a single entity in which the views of all various types  
6 of ratepayers as to issues in the case and an eventual plan coalesce; and (3) to establish an entity that  
7 can, as a fiduciary for ratepayers, negotiate a plan with the Debtor and other parties-in-interest in  
8 this case, and actively participate before the CPUC as it considers and approves any rate change that  
9 the regulator must approve under Bankruptcy Code section 1129(a)(6).

10 6. TURN has received from ratepayers over 1,200 written letters and 500 online petition  
11 signatures supporting the appointment of an official ratepayer claimant committee. Those letters  
12 and signatures are posted on the TURN website and can be viewed at [https://theutilityreform-](https://theutilityreform-my.sharepoint.com/:f:/g/personal/legalassistant_turn_org/EpIOKFFheqJDsnvNDVrIdUMBwAoNT-hTAD3oWHdqIp1LRAw?e=rO3Lh4)  
13 [my.sharepoint.com/:f:/g/personal/legalassistant\\_turn\\_org/EpIOKFFheqJDsnvNDVrIdUMBwAoNT-](https://theutilityreform-my.sharepoint.com/:f:/g/personal/legalassistant_turn_org/EpIOKFFheqJDsnvNDVrIdUMBwAoNT-hTAD3oWHdqIp1LRAw?e=rO3Lh4)  
14 [hTAD3oWHdqIp1LRAw?e=rO3Lh4](https://theutilityreform-my.sharepoint.com/:f:/g/personal/legalassistant_turn_org/EpIOKFFheqJDsnvNDVrIdUMBwAoNT-hTAD3oWHdqIp1LRAw?e=rO3Lh4).

15 I declare under penalty of perjury of the laws of the United States that the foregoing is true  
16 and correct. Executed this 10th day of April, 2019, at Oakland, California.

17  
18 /s/ Mark Toney  
19 MARK TONEY  
20  
21  
22  
23  
24  
25  
26  
27  
28